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7

8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9 COMMISSIONERS

10 MARC SPITZER, Chairman
11 JIM IRVIN
12 WILLIAM A. MUNDELL
13 JEFF HATCH-MILLER
14 MIKE GLEASON

Arizona Corporation Commission

DOCKETED

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CM

13 IN THE MATTER OF THE APPLICATION OF
14 PALO VERDE UTILITIES COMPANY FOR AN
15 EXTENSION OF ITS EXISTING CERTIFICATE
16 OF CONVENIENCE AND NECESSITY

DOCKET NO. SW-03575A-03-0167

16 IN THE MATTER OF THE APPLICATION OF
17 SANTA CRUZ WATER COMPANY FOR AN
18 EXTENSION OF ITS EXISTING CERTIFICATE
19 OF CONVENIENCE AND NECESSITY

DOCKET NO. W-03576A-03-0167

20 **RESPONSE TO STAFF'S
21 MOTION TO DENY JOINT
22 APPLICATION TO INTERVENE
23 IN APPLICATION TO EXTEND
24 CERTIFICATES OF
25 CONVENIENCE AND
26 NECESSITY**

21 The undersigned submits this Response to Staff's Motion to Deny Motion to
22 Intervene in the above-referenced applications to extend the respective Certificates of
23 Convenience and Necessity ("CC&N") filed jointly by Palo Verde Utilities Company and
24 Santa Cruz Water Company ("Applicants"). First it is not these Interveners intention to
25 take action that will prolong the consideration of the current pending application.
26 However, these Interveners respectfully submit that intervention is appropriate because

1 they are directly and substantially affected by the proceedings. They do not currently
2 have utility service nor are they covered by a CC&N. Without the approval of the current
3 CC&N they are not contiguous to a CC&N. Yet they are actively seeking utility service.
4 By granting the Joint Application these Interveners will be contiguous to a Certificated
5 Area served by reputable utility providers. These Interveners are substantially and
6 directly affected by the proceedings.

7 Utilities Division Staff ("Staff") opposes the request to intervene by HAM
8 Maricopa, LLC, Desert Cedars Equities, LLC, and Land Solutions Maricopa, LLC, stating
9 that the intervention by these parties would unduly expand the issues in these dockets.
10 These Interveners believe that extension of the pending application to the Interveners
11 properties will provide the Commission and Staff an opportunity: (i) to address, in a
12 timely fashion, the provision of utilities to a large contiguous area; and (ii) to avoid having
13 to consider yet another, duplicate Application to Amend this Certificate of Convenience
14 and Necessity.

15 Staff asserts that allowing intervention in this matter will deny parties of their due
16 process rights. One of the Commission and Staff's obligation in Applications to Extend
17 Certificates of Convenience and Necessity is to provide owners within a proposed
18 expansion area an opportunity to object to their property being included in a certificated
19 area. That may well be the most common occurrence that the Staff experiences.
20 However, here it is the opposite circumstance. The property owners are actively seeking
21 to join the CC&N. The due process rights the Staff seeks to protect belong to the
22 Interveners and they want to participate in this CC&N and they are willing to do so at the
23 earliest possible time.

1
2 Respectfully submitted this 15th day of July, 2003.

3 **BURCH & CRACCHIOLO, P.A.**

4
5 By: 

6 Clare H. Abel, SBA No.006807

7 Attorneys for HAM Maricopa, LLC; Desert
Cedars Equities, LLC and Land Solutions
Maricopa, LLC

8 ORIGINAL and 15 copies filed
9 this 16th day of July, 2003, with:

10 Docket Control Center
11 Arizona Corporation Commission
12 1200 W. Washington St.
13 Phoenix, AZ 85007-2996

14 COPY hand delivered this 16th day
15 of July, 2003, to:

16 Dwight D. Nodes
17 Administrative Law Judge
18 Arizona Corporation Commission

19 COPIES of the foregoing mailed
20 this 16th day of July, 2003, to:

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